

ARTICLE 7 – RULES FOR RACING

112-7-1. Reserved.

112-7-2. Ownership. (a) The legal ownership of each horse, and the name of each owner that is printed on the official program for the horse, shall conform to the ownership declaration on the horse's certificate of registration, eligibility certificate or lease agreement on file with the organization licensee. Each stable name shall be registered with the commission as the owner or owners. If the owner is a syndicate, corporation, partnership or other association or entity, the horseowner whose name is printed on the official program shall be the responsible managing owner, officer or partner who assumes all responsibilities of the owner.

(b) Each horse owned in whole or in part or under the care and control of an individual who is excluded from a racetrack or who has a suspended license shall be ineligible to enter or to start in any race. The horse's eligibility may be reinstated when the individual's penalty terminates or when the horse is transferred through a bona fide sale to an owner approved by the stewards. Each individual who is excluded from a racetrack or who has a suspended license, whether acting as an agent or otherwise, shall not be qualified to subscribe for, to enter or to run any horse in any race either in the individual's own name or in the name of any other person until the termination of the penalty. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-8-13-92, Aug 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-7-3. Deceased owners. (a) Any personal representative of a deceased owner may exercise and transfer the deceased owner's nominations, entries and rights of nomination and entry subject to the regulations of the

commission. Each personal representative shall be deemed to hold an owner's license with respect to horses belonging to the estate of the deceased until the commission declares that the deceased owner's license is no longer in effect.

(b) When a horse is held by multiple ownership and a member of the multiple ownership dies, any nominations, entries and rights of nomination and entry continue and may be exercised by any remaining members.

(c) Nominations and all entries or rights of entry under them become void when the nominator dies subject to the following exceptions:

(1) When the horse is held by multiple ownership; or

(2) when the personal representative of an estate requests in writing that the benefits of the nominations accrue to the estate of the deceased nominator for the purpose of selling or transferring a horse, and the personal representative agrees to assume any and all obligations incident to the original entries, and the stewards approve the request. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989.)

112-7-4. Documents. (a) Each win sheet, certificate of registration, certificate of eligibility, entry card or other document of ownership or registration shall have no information omitted and any required signature on the documents shall not be willfully altered or forged by any person.

(b) Each certificate of registration or document of ownership that is filed with the racing secretary to establish a horse's eligibility to enter a race shall be released only to the horse's trainer of record, except that the trainer may authorize the release of the certificate to the owner named on the certificate or the authorized owner's agent on a form provided by the racing secretary. Each dispute concerning a right to the registration certificate shall be decided by the stewards.

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(Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989.)

112-7-5. Horses sold or transferred with engagements. (a) Each racing secretary shall require any licensee to provide evidence of any sale or transfer when a horse is sold or transferred with its engagements, and the failure to produce evidence shall render the horse ineligible to start in any race.

(b) No person shall transfer or receive the transfer of a horse or engagement of a horse for the purpose of avoiding any disqualification.

(c) Each sale or transfer of a horse located at a racetrack facility shall not be final until approved by the stewards. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-7-6. Registration and eligibility. (a) No person shall enter or start a horse in a race unless:

(1) the horse is duly registered with and approved by the registry offices of:

(A) the jockey club, if a thoroughbred;

(B) the American quarter horse association, if a quarter horse;

(C) the Appaloosa horse club, if an Appaloosa;

(D) the Arabian horse club registry of America, if an Arabian;

(E) the American paint horse association, if a paint;

(F) the pinto horse association of America, inc., if a pinto;

(G) the American trotter's association, if a standardbred; or

(H) any successors to any of the registries named in subparagraphs (A) through

(G) or other registry recognized by the commission;

(2) the horse's registration certificate, showing the tattoo number of the horse, is filed with the racing secretary by entry time for the race. In stakes races, the registration certificate shall be filed not less than two hours prior to the scheduled post time for the race, except as provided in subparagraph (b) (10) of this regulation;

(3) the horse is in the care of a licensed trainer and owned by an owner licensed by scratch time, except that for the first ten days of a race meeting or for stakes races, an owner must be licensed by one hour before first post on the day of the race;

(4) at the time of entry, the horse is eligible under the conditions of the race as specified by the racing secretary and remains eligible until the race; and

(5) if the horse's name is changed, its new name is registered with the appropriate registry listed in subsection (a), paragraph (1) (A) through (G) of this regulation. Both the horse's previous name and new name shall be stated in every entry list until the horse has run three races. Both names shall be printed in the official programs for those three races.

(b) No person shall enter or start a horse in a race if:

(1) the horse is suspended;

(2) the horse is on the steward's list, starter's list or veterinarian's list;

(3) the certificate reflecting a negative Coggins test, performed upon the horse within the immediate past 12 months, has not been submitted to the racing secretary;

(4) the identification markings of the horse do not agree with the identification as set forth on the registration certificate to the extent that a correction is required from the appropriate breed registry, unless the permission of the stewards and the identifier are given;

(5) the horse has not been lip-tattooed by a commission-approved tattooer;

(6) the entry of the horse is not in the name of the true owner;

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(7) the horse has drawn into the field or started in a race on the same day;

(8) the horse's age, as determined by an examination of its teeth by the official veterinarian, does not correspond to the age shown on its registration certificate;

(9) the horse's certificate of registration reflects an unknown sire or dam; or

(10) an ownership transfer for a horse is being forwarded to a breed registry.

(c) No person shall start a horse in any race unless it has been properly entered in the race. Any horse that is improperly entered shall not be entitled to any part of the purse. However, once the "official" sign is posted, this regulation shall not affect the wagering on the race.

(d) Each trainer shall be responsible for the eligibility of horses entered by the trainer or an authorized agent of the trainer.

(e) Any nomination or entry of a horse or the transfer of any nomination or entry may be refused by the organization licensee for reasonable cause. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended March 25, 1991; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-7-7. Entries. (a) Each horse entered for the first time at a race meeting shall be identified by its name, color, sex, age, and the name of its sire or sires and dam as registered. For every other race, each horse shall be identified by its name, color, sex, and age.

(b) Each nomination and entry shall be made in writing and signed by the owner or trainer of the horse, or the owner's licensed authorized agent or the trainer's licensed authorized agent. Each organization licensee shall provide forms upon which entries, scratches, and declarations are to be made for all races.

(1) Only each steward, racing secretary, and secretary's designee shall be authorized to receive entries, scratches, and declarations.

(2) Any entry may be made by telephone, facsimile, or telegraph, but each entry shall be confirmed in writing one hour before post time of the first race on the day of the race for which the horse is entered.

(3) In a stakes race, the closing of nominations, entries, interim payments, and declarations shall be in accordance with the conditions published by the organization licensee sponsoring the race.

(4) Each signed entry blank shall be prima facie evidence that the contents of the entry blank express the desire and intent of the person making the entry.

(c) Each nominator shall be liable for entrance money or stakes. A mistake in the entry of an eligible horse shall not release the subscriber or the subscriber's transfer from liability for stakes or entrance money. Entrance money or stakes shall not be refunded because of the death of a horse or because of its failure to start a race.

(d) No person shall perform any of the following:

(1) enter in the person's name a horse of which the person is not the actual owner;

(2) enter or cause to be entered or start a horse that the person knows or believes to be ineligible or disqualified;

(3) enter a horse in more than one race on any day, except stakes races; or

(4) enter a horse in a race if it is wholly or partly owned by, trained by, or under the management of a person whose license is under suspension or a person who acts in concert with or under the control of a person whose license is under suspension.

(e) Each entry from a person whose license is suspended and each entry of an ineligible horse shall be void, and any money paid for the entry shall be paid to the purse of the race.

(f) Except for decisions regarding disqualification for interference during the running of the race, each dispute, claim, and

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objection relating to the race and the interpretation of commission regulations shall be decided by the stewards or, upon review, by the commission. (Authorized by and implementing K.S.A. 1996 Supp. 74-8804; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended May 1, 1998.)

112-7-8. Coupled entries. (a) Not more than two horses of the same licensed ownership or interest shall be entered and started in a race, except in stakes races and races that are conditioned for horses eligible for specified stakes.

(b) No owner or trainer shall enter more than two horses in an overnight event. Two horses shall not start to the exclusion of a single horse.

(c) Horses trained by a public stable trainer shall not be coupled with horses trained by another public stable trainer unless the horses are owned by the same person or are coupled as a field for wagering purposes.

(d) All horses owned wholly or in part or trained by the same person or the person's spouse and entered and started in a race except as noted in subsection (a) shall be coupled and run as an entry.

(e) If two or more horses are coupled as an entry only for the reason that the horses are trained by the same trainer, any organization licensee may run the horses as separate interests, and the provisions of subsections (a) through (d) above shall not govern. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-7-9. Loss of entries. Each person who alleges loss of an entry or declaration for a stakes race shall provide satisfactory proof to the racing secretary that it was mailed, facsimiled or telegraphed within a reasonable time before the designated time for closing, or it shall not be considered received. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-7-10. Closing of entries and drawing of post positions. (a) No entry or declaration for a stakes race shall be considered if received after the hour designated for closing. If an hour for closing is not designated, any entry or declaration may be mailed, facsimiled or telegraphed before midnight of the day designated for closing, if the entry or declaration complies with every other condition of the race.

(b) Each drawing of entries for post positions shall be governed by the following procedures.

(1) If entries exceed the permitted number of starters, the number of starters shall be reduced to the proper number by the preferred date system. The date system may be used for the entire race or for each division of the race at the option of the organization licensee.

(2) The racing secretary shall select an owner or a trainer who is present in the entry office to draw the entry sheets and post position numbers in public view within a reasonable time following each closing of entries. Each entry shall be drawn from its approved receptacle before the number ball is released from the number box.

(3) In divided and split races, the starters in the separate divisions shall be selected by the preferred date system. (Authorized by and implementing K.S.A.

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1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-7-11. Changing of races. Any organization licensee may withdraw or change any race with the permission of the stewards. If a race is declared off because of insufficient entries, the organization licensee may split any other race. (Authorized by and implementing K.S.A. 1987 Supp. 74-8804, effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989.)

112-7-12. Preference system. (a) Each racing secretary shall keep a list of all horses excluded from races because of excessive entries, and each excluded horse shall have preference in any later race in which they may be entered in accordance with a date system adopted by the racing secretary and approved by the stewards. This shall be known as the "preferred date system."

(b) When a horse is entered on one day and has an opportunity to start other than in a stakes race, as required in K.A.R. 112-7-7(d)(3), and is also entered for the following race day, the second entry shall be classified as an "in-today" and shall not be considered unless there are insufficient entries in the race. Such a horse shall not be placed on the preferred list.

(c) If a race overfills, the second part of an entry shall receive preference over horses classified as "in-today" on the "also eligible" list.

(d) Each horse's name shall not be placed on the preferred list and all preference shall be forfeited if the owner does not accept, when presented, the opportunity to start the horse. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989.)

112-7-13. Declarations and scratches. (a) Each declaration and scratch shall be made in writing and signed by the owner or trainer of the horse or the owner's authorized agent. Each organization licensee shall provide forms on which scratches and declarations shall be made.

(1) No horse shall be scratched without permission of the stewards.

(2) Each scratch shall be made before the scratch time set by the organization licensee, except as provided in subsections (c) through (h) of this regulation.

(3) If a scratch reduces the number of horses in the race, each horse left in the race shall move into the lower numbered post positions before any horse is drawn from the also eligible list.

(b) If a scratch reduces the number of horses in the race below the number designated for the race, the designated number of horses shall be maintained by the drawing of lots from the also eligible list after the scratch has occurred, and each horse drawn by this procedure shall be required to race.

(c) Each scratch from an early-closing stakes race shall be made not less than one hour before post time of the race. Any steward or animal health officer, acting with the approval of the stewards, may scratch a horse at any time before post time of the race.

(d) If a horse is not named through the entry box at the usual time of closing in a stakes race, that horse shall be scratched from the race.

(e) Any nomination of a horse to a stakes race may be altered or withdrawn at any time before the closing time for nominations.

(f) Despite paragraph (a) (2) of this regulation, the stewards may permit the withdrawal of any horse after it has left the paddock for any reason that they determine to be in the best interests of racing.

(g) The stewards may declare a horse a nonstarter for any occurrence before the running of a race.

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(h) If any horse is so unruly in the saddling paddock that the identifier cannot read the tattoo number to properly identify the horse, or if any trainer or assistant is uncooperative in the effort to identify the horse, the horse may be scratched by order of the stewards.

(i) Each declaration of a horse out of an engagement shall be irrevocable. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-7-14. Penalties and allowances. (a) Penalties and allowances shall be determined as follows:

(1) Penalties and allowances shall not be cumulative unless they are declared to be so in the conditions of the race. They shall be effective at the start except in overnight events when a horse shall have only the allowance to which it was entitled at the time of entry.

(2) Penalties and sex allowances shall be obligatory. Penalties or allowances shall be claimed at the time of entry. Each horse shall not enter or start a race with less than 102 pounds unless the race is a handicap or stakes.

(3) Each horse shall not receive an allowance of weight or be relieved from extra weight because it has been beaten in one or more races, but this shall not prohibit the awarding of a maiden allowance or allowances to horses that have not won a race within a specified period or a race of specified value.

(4) Failure to claim a weight allowance by oversight or omission shall not be cause for disqualification. Claims of weight allowance to which a horse is not entitled shall not disqualify the horse unless an incorrect weight is carried in the race. However, a fine may be imposed upon the person who claims an allowance to which the horse is not entitled.

(5) Eligibility, penalties and allowances of weight for all races shall be determined from the reports, records and statistics published by the daily racing form and from the horse registries identified in K.A.R. 112-7-6. However, responsibility for weight carried and eligibility shall remain with the owner and the trainer as stated in K.A.R. 112-7-6(c).

(6) Each horse shall not incur a weight penalty for a placement from which it is disqualified, but each horse that places because of the disqualification of another horse shall incur the weight penalties of the placement. Each horse that places because of the disqualification of another horse shall not be ruled ineligible in a race that has already been run.

(b) For thoroughbreds only, in all races against male horses, two year old fillies shall be allowed three pounds and three year old and older fillies and mares shall be allowed five pounds before September 1 and three pounds after September 1. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989.)

112-7-15. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; revoked, T-112-8-13-92, Aug. 13, 1992; revoked, T-112-12-10-92, Dec. 10, 1992; revoked Feb. 15, 1993.)

112-7-15a. Claiming. (a) Except as otherwise provided by these racing regulations, in a claiming race, each horse shall be subject to a claim for its entered price by:

(1) a licensed owner who has a horse registered to race at the current race meeting or the owner's authorized agent; or

(2) a person licensed as an owner by open claim.

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(b) No owner shall make a claim directly or indirectly for the owner's own horse.

(c) The filing of claims shall be supervised by a steward or a designee of the stewards.

(d) Each claim shall be made in writing on a form and in an envelope that are provided by the organization licensee and approved by the commission. Each form and envelope shall be fully executed, and the information appearing on them shall be true and correct. Each horse's name shall be written as it appears on the official program.

(e) Each person making a claim shall be responsible for determining the age and sex of the horse.

(f) Each claim shall be deposited in a locked box provided by the racing secretary not later than 10 minutes before post time of the race in which the horse being claimed is to start. No person shall place money or other consideration in the claim box.

(g) Before the deadline for filing claims, no person shall open the box in which the claims are deposited or reveal any information regarding any claim.

(h) After the deadline for filing claims, a steward or a designee of the stewards shall open the box, examine the claims and notify the stewards of any successful claim. The racing secretary and "horsemen's bookkeeper" then shall be notified of the claim to determine whether the appropriate amount is on deposit with the "horsemen's bookkeeper" and to debit the claimant's account for the amount of the claim and applicable fees.

(i) If more than one claim is filed for the same horse, the successful claimant shall be determined by lot under the supervision of the steward or steward's designee.

(j) Each title to a horse that is claimed shall be vested in the successful claimant when the stall door of the starting gate opens in front of the horse. This provision shall apply regardless of any subsequent injury to the horse during or after the race.

(k) On the day it is claimed, each claimed horse shall run in the interest of and

for the account of the owner from whom the horse was claimed.

(l) Except as otherwise provided by this regulation, each claim that is filed in accordance with these provisions is irrevocable.

(m) If the stewards excuse a horse before it is a starter, each claim for the horse shall be invalid.

(n) If the stewards declare a claiming race a "no race," each claim filed for that race shall be invalid.

(o) To file a valid claim, each person shall deposit with the "horsemen's bookkeeper" cash, a money order, a certified check or a cashier's check in an amount equal to the sum of the claim and all transfer fees. With the prior written approval of the organization licensee, a person may deposit a personal check with the "horsemen's bookkeeper" to satisfy the claim and transfer fees. Each organization licensee shall guarantee and be liable for any insufficient funds related to a personal check that it has approved for this purpose.

(p) Each person who files a claim shall not exhaust the person's account with the "horsemen's bookkeeper" during the two-hour period after the claim was filed.

(q) After the claiming race, each horse that has been claimed shall be taken to the area designated by the organization licensee for delivery to the claimant, unless the horse is designated for testing.

(r) No person shall refuse to deliver a claimed horse.

(s) Each engagement of a claimed horse automatically shall transfer to the new owner. Each claimed horse shall be ineligible to enter a future race unless the entry is made on behalf of the new owner.

(t) Without written authorization from a steward or the stewards' designee, no claimed horse shall be delivered to a successful claimant.

(u) Each claimed horse that has been designated for post-race testing shall remain the responsibility of its trainer until after the

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collection of the test specimen. After the required test procedures are completed, the trainer shall deliver the claimed horse to the successful claimant.

(v) During the 30-day period after a person claims a horse:

(1) the claimant shall not sell or transfer any ownership interest in the claimed horse by any method except a claiming race;

(2) the claimed horse shall be ineligible to enter a claiming race, including a starter handicap, for a price less than 25 percent more than the price at which the horse was claimed; and

(3) the claimed horse shall be ineligible to start in a race outside this state, except to fulfill a previously committed stakes engagement.

(w) If a horse is claimed at a recognized race meeting governed by the rules of another racing jurisdiction, the claiming rules of the jurisdiction where the horse was claimed shall be recognized in Kansas. However, while the horse races in Kansas, this regulation shall apply. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; effective Feb. 15, 1993.)

112-7-15b. Claiming, vacated stable. (a) Except as otherwise provided by this regulation, each owner whose stable is vacated by the sale or removal of horses from the racetrack facility shall lose any right to claim horses at the race meeting.

(b) Each owner whose stable is vacated by claims shall be entitled to make claims until the later of:

(1) the end of the race meeting at which the stable was vacated; or

(2) the 31st race day after the date the stable was vacated.

(c) Each owner whose stable was vacated and who intends to make a claim at a subsequent race meeting shall file with the

claim a certificate from the stewards who presided at the race meeting at which the stable was vacated.

(d) Any owner whose stable was vacated because of fire or like event may be permitted by the stewards to claim horses in accordance with this regulation. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; effective Feb. 15, 1993.)

112-7-16. Invalid or void claims and prohibitions on claims. (a) Each claim shall be invalid if:

(1) the name of the horse to be claimed is erroneously spelled or is not specified in the space provided on the claim form;

(2) the claimant does not have at least the amount of the claim and any applicable state sales tax on deposit or credited with the "horsemen's bookkeeper;"

(3) the claim form does not specify the designated price as printed in the official program, is not signed, does not fully indicate the name of the party making the claim or is otherwise incorrectly completed; or

(4) the claim envelope is inaccurate.

(b) If a claim is voided by the stewards, the horse claimed shall be returned to the original owner who, in turn, shall refund all of the claim money to the unsuccessful claimant.

(c) No person or racing interest shall:

(1) claim more than one horse from any one race;

(2) claim their own horse or cause the horse to be claimed, directly or indirectly, for their own account;

(3) refuse to deliver a claimed horse to the successful claimant;

(4) remove any horse that has been entered in a claiming race from the racetrack facility where it has been entered to race, or fail or refuse to comply with any rule or any

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condition of the race meeting for the purpose of avoiding or preventing a claim for the horse;

(5) offer or enter into an agreement to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race;

(6) attempt to intimidate or prevent anyone from running a horse in any claiming race;

(7) claim horses owned or trained by the claimant's trainer's spouse, child, sibling, parent, mother-in-law or father-in-law;

(8) claim a horse from an owner whose horse is trained by the claimant's trainer;

(9) if a trainer, claim a horse from an owner for whom the trainer trains;

(10) enter or allow to be entered any horse against which any claim is held, either by mortgage or lien of any kind, without having filed the written consent of the holder of the mortgage or lien with the racing secretary and "horsemen's bookkeeper" before the entry; or

(11) leave a horse that is claimed in the care or custody of the owner from whom the horse was claimed.

(d) If the stewards have reasonable doubt about the validity of a claim, the claimant shall be required by the stewards to execute an affidavit stating that the claimant is claiming the horse for the claimant's own account or as an authorized agent, and not for any other person.

(e) Each claimant shall be solely responsible for determining the true age and sex of a claimed horse, and mistakes in that regard printed in the official program or elsewhere shall not be considered a basis for invalidating the claim.

(f) Not later than 24 hours after the race is run, written protest of a claim may be submitted to the stewards who shall investigate the matter as quickly as possible. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-8-13-92, Aug. 13, 1992;

amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-7-16a. Disclosure of mare in foal. (a) A mare or filly that has been serviced may be entered in a claiming race if:

(1) the owner files with the racing secretary a certificate from a licensed veterinarian that is dated no earlier than 40 days after the date the mare or filly was last serviced and that states the mare or filly is not in foal; or

(2) before entering the mare or filly, the owner:

(A) files with the racing secretary a statement disclosing the servicing of the mare or filly, which shall be posted in the office of the racing secretary;

(B) files with the racing secretary a signed statement agreeing to deliver without cost to a successful claimant the valid stallion service certificate regarding the servicing of the mare or filly; and

(C) makes all payments due for the stallion service or for any resulting live foal.

(b) Any successful claimant of a mare or filly in a claiming race may file with the stewards, not more than 30 days after the date of the claim, a petition to rescind the claim if:

(1) the claimant learns the mare or filly is in foal; and

(2) the owner of the mare or filly has not complied with subsection (a) of this regulation. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; effective Feb. 15, 1993.)

112-7-17. Claiming authorization. (a) Each person who makes an application for a claiming authorization on the forms provided shall receive a claiming authorization from the commission or its appointed representatives, provided the person:

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(1) Is licensed as an owner or an owner by open claim;

(2) has an agreement with a licensed trainer to take charge of, care for and train any horse claimed pursuant to the claiming authorization; and

(3) has at least the amount of the claim and applicable taxes on deposit or credited with the "horsemen's bookkeeper."

(b) Each holder of a claiming authorization and each trainer shall promptly notify the stewards in writing if the agreement is terminated before a horse is successfully claimed.

(c) Each claiming authorization shall be valid for 30 days or until the person to whom the authorization was issued becomes a horse owner either through use of the claiming authorization or through a private purchase, whichever is sooner.

(d) Each applicant for a claiming authorization shall pay to the commission the same fee that is charged for an owner's license before the authorization is issued. Each holder of a claiming authorization shall not be entitled, by virtue thereof, to admission to the grandstand, clubhouse or other spectator facility at prices less than those charged to the general public. The holder of a claiming authorization who previously has not been granted an owner's license shall be issued an owner's license without payment of any additional fees.

(e) Any application for claiming authorization may be denied or revoked for any reason that would justify denial, suspension or revocation of an owner's license. Each person whose claiming authorization is denied or revoked shall have the same rights to notice and hearing as an owner would have whose license is denied, suspended or revoked. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804, effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989.)

112-7-18. Jockeys. (a) Each jockey engaged to ride in a race shall report to the jockey room

at least one hour before post time of the first race and shall weigh out at the appointed time. After reporting to the jockey room, the jockey shall not leave it except to ride in a race until all of that jockey's riding engagements have been fulfilled, unless the jockey has permission from the stewards.

(b) Only jockeys, jockey attendants, racing officials, commission representatives, security officers on duty, and organization employees performing required duties may enter the jockey room from one hour before post time for the first race until after the last race. No other person shall enter the jockey room at the time identified in this subsection, except with the permission of the stewards or the commission.

(c) Each horse owner shall deposit the jockey mount fee for a horse in the race with the "horsemen's bookkeeper" before the time for weighing out. Failure to deposit the minimum fee shall be cause for disciplinary action against the owner and shall be cause for the stewards to scratch the horse for which the fee is to be deposited. Each organization licensee shall assume the obligation to pay the jockey mount fee when it is earned by the engaged jockey. The jockey mount fee shall be earned when the jockey is weighed out by the clerk of scales unless a jockey who is capable of riding elects not to ride the horse in that race without proper cause in the opinion of the stewards.

(d) No jockey who is engaged for a certain race or for a specified time shall fail or refuse to abide by the agreement unless the jockey is excused by the stewards.

(e) Without the permission of the owner or trainer, no jockey shall weigh out if the jockey weighs more than two pounds over the weight assigned to the horse. Under no circumstances shall the margin over the weight limit exceed seven pounds. In such a case, no jockey mount fee shall be due to the overweight jockey.

(f) Each jockey shall submit to a breath, urine or blood test, or any combination thereof, prior to the jockey's first mount on

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each race day. No jockey shall have a blood alcohol content of .05 percent or more. No jockey's urine or blood test shall indicate the presence of any controlled substance, as defined by K.S.A. 1995 Supp. 65-4101. Each jockey who violates this subsection shall be subject to the penalties set forth in K.A.R. 112-11-13a, subsections (b) through (e) inclusive.

(g) When directed by the stewards, each jockey shall report to the stewards for film review.

(h) Each jockey shall give a best effort to win in any race in which the jockey is riding. (Authorized by and implementing K.S.A. 1995 Supp. 74-8804; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended Dec. 13, 1996.)

112-7-18a. Jockey agent. (a) Any jockey agent may represent a jockey if the jockey agent is registered with the stewards and licensed by the commission as a jockey agent. No jockey agent shall represent more than two jockeys and one apprentice jockey at the same time.

(b) No jockey agent shall give to anyone, directly or indirectly, any information or advice on races, commonly known as "touting," for personal gain.

(c) Each jockey agent shall maintain a record of all engagements made for the jockeys they represent. The record shall specify first and second calls in each race. The officials may require that the jockey agent file the first and second calls with the racing secretary and display their record of engagements.

(d) Any trainer or owner may demand from a jockey or jockey agent written confirmation of an engagement. Each jockey shall be bound by agreements made on the jockey's behalf by the jockey's agent.

(e) Each conflicting claim for the services of a jockey shall be decided by the stewards.

(f) Each jockey agent immediately shall notify the stewards in writing if the jockey agent no longer represents a jockey. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; effective Feb. 15, 1993.)

112-7-19. Jockey mount fees. (a) In the absence of a written contract or special agreement between the parties, the following jockey mount fees shall be assessed:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$599 & Under	\$33.00	\$33.00	\$33.00	\$33.00
600 - 699	36.00	33.00	33.00	33.00
700 - 999	10%-Win Purse	33.00	33.00	33.00
1,000 - 1,499	10%-Win Purse	33.00	33.00	33.00
1,500 - 1,999	10%-Win Purse	35.00	33.00	33.00
2,000 - 3,499	10%-Win Purse	45.00	40.00	38.00
3,500 - 4,999	10%-Win Purse	55.00	45.00	40.00
5,000 - 9,999	10%-Win Purse	65.00	50.00	45.00
10,000 - 14,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	50.00
15,000 - 24,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	55.00
25,000 - 49,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	65.00
50,000 - 99,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	80.00
100,000 & up	10%-Win Purse	5%-Place Purse	5%-Show Purse	105.00

(b) If the parties enter an agreement regarding the jockey mount fee, the parties shall deliver a written contract or agreement, signed by the jockey or the jockey's agent and the owner or the owner's authorized agent, that details the mount fee for a winning mount, a second place mount, a third place

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mount, and a losing mount, to the horsemen's bookkeeper before the running of the race. Each horsemen's bookkeeper shall debit the owner's purse account in accordance with the provisions of the written contract or agreement. If no written contract or agreement is executed and delivered to the horsemen's bookkeeper before the running of the race, the horsemen's bookkeeper shall debit the owner's purse account in accordance with the fee scale set forth in this regulation. (Authorized by and implementing K.S.A. 1999 Supp. 74-8804; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended May 4, 2001.)

112-7-20. Safety helmets required; physical examination required. Each person who is mounted on a race horse within the enclosure or riding in a race shall wear a properly fastened safety helmet. Any other person mounted on any horse may be required by the stewards to wear a safety helmet within the enclosure. Each person who is mounted on a race horse within the enclosure shall have on file at the racetrack commission office a record of physical examination, including vision and hearing tests, conducted by a person licensed to practice medicine and surgery within the year immediately preceding. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-7-21. Paddock to post. (a) Each horse in a race shall carry a conspicuous saddlecloth number and a head number corresponding to the horse's number on the official program. In the case of a coupled entry, each horse making up the entry shall bear the same number as the first part of the entry and also a distinguishing letter immediately following the number on the

head and saddlecloth. In the case of a field, the horses comprising the field shall bear an individual number or a particular number immediately followed by a distinguishing letter.

(b) Each trainer shall have the entered horse in the paddock no fewer than 15 minutes before post time. The trainer shall attend the horse in the paddock and be present to supervise its saddling unless the trainer has obtained the permission of a steward to send an assistant trainer or another trainer as a substitute. Each horse shall be saddled in the paddock unless permission has been granted by the stewards to saddle elsewhere.

(c) Each blanket and bandage except any bandage that will be worn during a race shall be removed immediately upon arrival in the paddock. If weather conditions dictate, blankets may be worn after saddling with the permission of the paddock judge.

(d) The stewards may permit a horse to be led directly to the post and to be excused from the post parade.

(e) Each lead pony and each rider shall be permitted to enter the saddling paddock or walking ring only after the stewards have given permission.

(f) The post parade shall not last longer than 14 minutes after the horses enter the racetrack, except in cases of unavoidable delay. When the horses reach the post, they shall be started without unnecessary delay.

(g) After the horses enter the racetrack, no jockey shall dismount and no horse shall be entitled to the care of an attendant without the permission of the stewards or the starter. Each horse shall be free of all hands other than those of the jockey, lead pony rider, assistant starter or header before the field is dispatched by the starter. In case of accident to a jockey or to the horse or equipment, any steward or any starter may permit the affected jockey to dismount and the horse to be cared for during the delay and also may permit any other jockeys to dismount and any other horses to be attended during the delay.

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(h) Each horse shall carry its assigned weight from paddock to post and from post to finish. If a jockey is thrown on the way from the paddock to the post, the horse shall be remounted, and if reasonably possible, returned to where the jockey was thrown and shall proceed over the route of the parade to the post.

(i) If the jockey sustains an injury on the way to the post that requires substitution of another jockey, the horse shall be returned to the paddock. Another jockey shall mount and then ride the horse over any uncompleted portion of the exact route of the parade to the starting point.

(j) If a horse leaves the course while proceeding from paddock to post, the horse shall return to the course at the nearest practical point where it left the course. It shall then complete its parade to the post from the point at which it left the course.

(k) No person shall willfully delay the arrival of a horse at the post.

(l) The use of any mechanical device applied to a horse's ears at the starting gates shall be strictly prohibited. This prohibition shall include twitches, tongs, pliers, or any device designed to hold fast or squeeze the skin or other tissues.

(m) The use of a buggy whip, flexible cane, or any similar device to assist the loading of a horse into the gates shall be limited. If, in the opinion of the commission veterinarian or the stewards, there is excessive use of this device, the commission veterinarian or stewards shall order that the use of the device be stopped immediately. Any person using the device in excess shall be subject to disciplinary action at the discretion of the stewards.

(n) Only the jockey shall be permitted to strike a horse to assist in starting. (Authorized by and implementing K.S.A. 1998 Supp. 74-8804; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended Feb. 11, 2000.)

112-7-22. Post to finish. (a) No horse shall be permitted to start unless it has been tattooed and fully identified.

(b) Each horse shall take a position in numerical order from the inside rail. The order shall be determined by post positions.

(c) Each horse shall be a starter after the doors of the starting gate in front of it open when the official starter dispatches the horses.

(d) Each horse shall be ridden past the finish line in every race and shall carry the assigned weights from the post to finish, unless disqualified.

(e) Each horse that leaves the course during a race shall be disqualified.

(f) The following rules shall apply to the running of a race.

(1) In a straightaway race, each jockey shall maintain the horse as nearly as possible in the lane in which it starts.

(2) Each jockey shall make a best effort to control and guide the mount in such a manner as not to cause a foul.

(3) No jockey shall willfully strike or touch another jockey or another jockey's horse or equipment during a race for the purpose of interfering with the horse or jockey. No jockey shall strike the jockey's horse on or about the head.

(4) Any rider may be fined or suspended, or both, by the stewards for willful fouling or careless riding. The nature and seriousness of the offense shall be considered by the stewards.

(5) Any jockey whose horse has been disqualified or who unnecessarily causes the horse to change or shorten its stride for the purpose of losing a race may be fined or suspended.

(g) The stewards shall be vested with the discretion to determine the propriety and nature of a disqualification and whether it applies to any other part of an entry. The stewards' decision shall be final.

(1) To determine the disqualification of a horse in any race, the stewards may either place the horse behind the horse or horses

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with which they believe it interfered, they may place it last or they may unplace it.

(2) When a horse of one ownership or interest is coupled with a horse or horses of the same or another ownership or interest, the disqualification of one shall not necessarily affect the placing of the other.

(h) Each jockey shall give the best effort in races. Any instructions or advice to jockeys to ride or handle their mounts except for the purpose of winning shall be prohibited and shall subject each person giving or following those instructions or advice to disciplinary action by the stewards and the commission. If two horses run in one interest in any race, each horse shall be ridden to give its best effort.

(i) Only the owner, trainer or jockey alleged to be aggrieved shall make a protest relating to the running of the race. Each protest shall be made to the stewards, the outrider if designated by the stewards or the clerk of scales before or immediately after weighing in. Any owner, trainer or jockey who makes a frivolous protest may be fined or suspended.

(j) No person shall help a jockey remove the equipment that is to be included in the jockey's weight from the jockey's horse unless the stewards give permission.

(k) No person shall throw any covering over any horse at the place of dismounting until the jockey has removed the equipment that is to be included in the jockey's weight.

(l) Each dead heat shall be governed in the following manner.

(1) If two or more horses run a dead heat, the dead heat shall not be run off.

(2) Each horse shall be considered a winner in a dead heat for first place.

(3) If two or more horses finish in a dead heat and a protest is filed and allowed against a horse that finished in front of the dead heat, the horses that ran the dead heat shall be deemed to have run from the higher position.

(4) Owners of horses that finish in a dead heat for any position shall divide equally all money and other prizes. If no agreement is reached as to which of them shall receive an

indivisible prize, they shall draw lots for it in the presence of one or more of the stewards.

(m) If a race is run by all of the horses at the wrong weights or over a wrong distance, and if a protest is filed and allowed before the flashing of the "official" sign on the totalisator board, the stewards shall declare the race no contest.

(n) Each of the following procedures shall apply if any horse is disabled or otherwise is unable to finish a race.

(1) The horse shall be dismounted, unsaddled and removed from the racetrack without passing the stand. The horse shall not be destroyed on the racetrack or in the presence of the public without the permission of the stewards.

(2) If a bone is broken and the horse is disabled, the horse shall remain on the racetrack until the horse ambulance arrives and removes it.

(3) If destruction of the horse is necessary, the animal health officer shall destroy the horse by use of an intravenous injection out of the vision of the public. If destruction in the view of the public is necessary, an ambulance screen shall be made available by the organization licensee.

(4) If a horse is disabled, a drug test for prohibited substances shall be performed on the horse. If destruction of the horse is necessary, a postmortem examination may be performed upon order of the stewards at the expense of the owner. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T- 112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993.)

112-7-23. Workouts. (a) Each licensee exercising a horse shall, upon the request of the clocker or assistant clockers, correctly state the distance over which the horse is to be worked and the point on the racetrack where

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the workout will start. The licensee shall identify the horse if requested to do so. The clocker or assistant clocker shall file with the stewards a daily report listing the date, track condition, name of each horse worked and the time and distance for each workout.

(b) Each licensee shall secure permission from a steward before exercising a horse on the racetrack between races.

(c) If a horse is warming up or exercising on the racetrack, a public announcement shall be made that states the horse's name and explains its presence on the racetrack.

(d) If a horse has not raced in 45 days, it shall not start any race before it completes one workout. If a horse has never raced or has not raced within the last 12 months, it shall not start any race before it completes two workouts. (Authorized by and implementing K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; effective, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; effective Feb. 15, 1993.)

112-7-24. Safety vests required. (a) A jockey or apprentice jockey shall not ride in a race unless the jockey or apprentice jockey is wearing a safety vest.

(b) Each safety vest shall provide shock absorbing protection to the upper body with a minimum rating of five, as defined by the British equestrian trade association (BETA).

(c) A safety vest shall weigh no more than two pounds and shall not be included in the jockey's weight when weighing out to race. (Authorized by and implementing K.S.A. 1993 Supp. 74-8804; effective T-112-5-13-94; May 13, 1994; effective Sept. 6, 1994.)